

**Notice of Allowability**

Application No.

10/655,858

Examiner

Leo Boutsikaris

Applicant(s)

SHARP, GARY D.

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AF amendment filed on 6/26/06.
2. ☒ The allowed claim(s) is/are 1-34 and 37-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Neil Mothew (reg. No. 54,922) on 7/5/2006.

The application has been amended as follows:

#### **IN THE CLAIMS**

In claim 28, line 3, after the word "elements", the following is inserted: --at least partially positioned in a field of view and--.

Claim 45 is rewritten as follows:

45. A method for improving a person's or animal's vision comprising:

determining an initial spectral profile of the person's or animal's vision;

determining a desired spectral profile of the person's or animal's vision; and

providing eyewear for the person or the animal, wherein the eyewear comprises an input polarizing element, an output polarizing element, and a retarder stack, configured to substantially filter at least one band of light to compensate for the difference between the desired spectral profile and the initial spectral profile,

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wherein the retarder stack comprises  $N \geq 2$  retarder films,

wherein the input polarizing element, the output polarizing element, and the retarder stack are at least partially positioned in a field of view and are collectively designed to comprise an FIR filter, and thereby are operable to generate at least  $N + 1$  spatially offset light pulses in response to a linearly polarized light impulse input.

Claims 1-34, 37-53 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-34, 37-53 are allowable over the prior art of record for at least the reason that even though the prior art discloses optical filters comprising a retarder stack, the prior art fails to teach or reasonably suggest, regarding claims 1-34, 37-44, an optical filter for vision comprising a retarder stack, wherein the input polarizing element, the output polarizing element, and the retarder stack are at least partially positioned in a field of view and are collectively designed to comprise an FIR filter, and thereby are operable to generate at least  $N + 1$  spatially offset light pulses in response to a linearly polarized light impulse input, and regarding claims 45-53, a method for improving a person's or animal's vision comprising providing eyewear comprising a retarder stack, wherein the input polarizing element, the output polarizing element, and the retarder stack are at least partially positioned in a field of view and are collectively designed to comprise an FIR filter, and thereby are operable to generate at least  $N + 1$  spatially offset light pulses in response to a linearly polarized light impulse input, as set forth by the claimed combination.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308. The examiner can normally be reached on M-F, 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**LEONIDAS BOUTSIKARIS**  
**PRIMARY EXAMINER**



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